

Notice of Allowability	Application No.	Applicant(s)	
	09/705,967	JOSTEN ET AL.	
	Examiner	Art Unit	
	Sathyanarayan Pannala	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/26/2006.
2. ☒ The allowed claim(s) is/are 2-3, 5-6, 8-9, 11-12, 14-15, 17-18 and 23-25 and renumbered as 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>attached</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|


 Sathyanarayan Pannala
 Patent Examiner

DETAILED ACTION

1. Applicant's Amendment filed on 5/26/2006 with amended claims 2-3, 5-6, 8-9, 11-13, 15-16 and 23-25. In this Office action, claims 2-3, 5-6, 8-9, 11-13, 15-16 and 23-25 are pending and they are renumbered for allowance 1-15.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kelvin M Vivian on 8/4/2006.

a) **Specification Amendment:**

Replace specification on page 6, lines 20-23 as

CD ROM, WORM, DVD, digital optical tape)[[.]]-paper "punch" cards, or other suitable computer readable media including transmission media such as digital, analog, and wireless communication links. In an illustrative embodiment of the invention, the machine-readable instructions may comprise lines of compiled C, C++, or similar language code commonly

b) **Claims Amendment:**

Replace on record amended claims 23-25 as follows:

23. (Currently Amended) A method for recovering retained locks in a shared system environment having a plurality of operating systems sharing processor resources, in which each operating system is running a corresponding database management system (DBMS), the method comprising:

determining that a first database management system associated with a first operating system has failed, the first operating system being one of the plurality of operating systems;

retaining within a second operating system a plurality of data locks held by the first database management system in response to the failure, the plurality of data locks being held by the second operating system to prevent other database management systems in the shared system environment from accessing inconsistent data associated with each of the plurality of data locks, the second operating system being one of the plurality of operating systems; and

restarting the first database management system on the second operating system to recover the inconsistent data, including bringing to consistency the inconsistent data associated with each of the plurality of data locks, the second operating system using a predefined plurality of the processor resources that are necessary to restart the first database management system and recover the inconsistent data.

24. (Currently Amended) A system including plurality of processors for recovering retained locks in a shared system environment having a plurality of operating systems

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sharing processor resources, in which each operating system is running a corresponding database management system (DBMS), the system comprising:

means for determining that a first database management system associated with a first operating system has failed, the first operating system being one of the plurality of operating systems;

means for retaining within a second operating system a plurality of data locks held by the first database management system in response to the failure, the plurality of data locks being held by the second operating system to prevent other database management systems in the shared system environment from accessing inconsistent data associated with each of the plurality of data locks, the second operating system being one of the plurality of operating systems; and

means for restarting the first database management system on the second operating system to recover the inconsistent data, including bringing to consistency the inconsistent data associated with each of the plurality of data locks, the second operating system using a predefined plurality of the processor resources that are necessary to restart the first database management system and recover the inconsistent data.

25. (Currently Amended) A computer readable medium with program instructions tangibly stored thereon for recovering retained locks in a shared system environment having a plurality of operating systems sharing processor resources, in which each

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operating system is running a corresponding database management system (DBMS),
the computer readable medium comprising program instructions for:

determining that a first database management system associated with a first operating system has failed, the first operating system being one of the plurality of operating systems;

retaining within a second operating system a plurality of data locks held by the first database management system in response to the failure, the plurality of data locks being held by the second operating system to prevent other database management systems in the shared system environment from accessing inconsistent data associated with each of the plurality of data locks, the second operating system being one of the plurality of operating systems; and

restarting the first database management system on the second operating system to recover the inconsistent data, including bringing to consistency the inconsistent data associated with each of the plurality of data locks, the second operating system using a predefined plurality of the processor resources that are necessary to restart the first database management system and recover the inconsistent data.

Reasons for allowance

3. The following is an examiner's statement of reasons for allowance:

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- Prior art of record does not appear to teach or suggest or render obvious the claimed limitations in combination with the specific added limitations as recited in independent claims 23-25. The prior art of record fails to teach or suggest the combination of claimed elements including "retaining within a second operating system a plurality of data locks held by the first database management system in response to the failure" and "bringing to consistency the inconsistent data associated with each of the plurality of data locks, the second operating system using a predefined plurality of the processor resources that are necessary to restart the first database management system and recover the inconsistent data" as recited in independent claims 23-25.
- Applicant's argument stated in the Remarks section of the amendment filed on 5/26/2006, page 11, paragraph three, as "Haderle, however, fails to disclose that the restart recovery mechanism 108 includes retaining a plurality of data locks held by DBMS that has failed within a second operating system as recited in claim 23." The argument is persuasive and valid.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

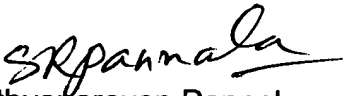
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sathyanarayan Pannala
Examiner
Art Unit 2164

srp
August 4, 2006